

III. Remarks

A. The Claims

In response to the Final Rejection Office Action dated January 26, 2007, claims 1 and 7 have been amended, and claims 6, 13-21 and 23-36 have been canceled (Claims 4, 9 and 22 were previously canceled in the amendment dated November 10, 2006). Claims 1-3, 5, 7, 8, 10, 11 and 12 remain in this application for further prosecution on the merits.

Claim 1 has been amended to provide a baffled attic vent in which "said integral baffle surface compris[es] a plurality of undulated planar surfaces of alternating height". Support for this claim amendment comes from former claim 6, which is now canceled, and was deemed by the Examiner as being merely objected to in the Office Action of January 26, 2007.

Claim 7 has now been amended to depend from claim 1, instead of claim 6. Claim 6 has now been canceled and the subject matter of claim 6 has now been incorporated into claim 1.

Previously presented claims 8 and 10-12 have been allowed, as reflected on page 3 of the Office Action.

B. The Office Action

The Office Action of January 26, 2007, rejects claims 1-3, 5, 13-21 and 23-26, pursuant to 35 USC §102(b), as anticipated by, or in the alternative, under 35 USC §103(a), as obvious over U.S. Pat. No. 5,600,928, to Hess et al. The Examiner's position is:

Hess provides an elongated polystyrene foam attic vent comprised of channels 24 and 27 separated by a centrally located longitudinal rib 46 having undulating alternating surfaces 56 and 32. The bottom wall portions having transverse support portions 48, which help form, a raised baffled surface. A flange 12, 20, 30 is integral with each longitudinal side portion.

Hess is silent as to the installed convective airflow reading but as it provides all of the claimed structure it is believed to perform as claimed.

Alternatively it would have been obvious at the time of the invention to one having ordinary skill in the art to have dimensioned the vent of Hess so as to achieve an optimized airflow reading.

Note claim 13 fails to specify that the first and second bottom wall portions are of alternating heights or in different planes so any two portions of the bottom surfaces may be considered first and second portions.

The height of the rib and thus the separation of the surfaces 56 and 32 is viewed as a choice of design which would have been obvious at the time of the invention to one having ordinary skill in the art.

It further would have been obvious at the time of the invention to one having ordinary skill in the art to cut the member to a required length before installing between a pair of adjacent roof rafters. [see background of the invention for intended use environment]

Hess further provides separation means 21.

The Examiner further indicated, on page 3 of the Office Action, that claims 6 and 7 were merely objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim, and any intervening claims. Applicants have now canceled claim 6 and incorporated its subject matter into independent claim 1. Moreover, claim 7 has been made to depend from claim 1 instead of claim 6. Accordingly, claims 1-3, 5 and 7 now appear to be in allowable condition.

Applicants are grateful for the Examiner's indication of allowable subject matter in claims 8, 10 and 11. These claims remain unchanged.

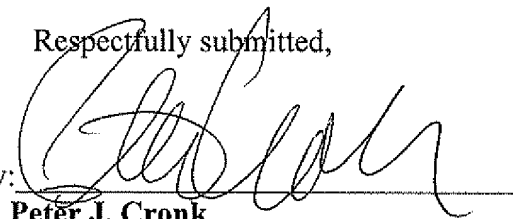
In view of the above, reconsideration of the present application is respectfully requested, and an early notice of allowance is earnestly solicited.

The Examiner is urged to contact the undersigned at 215-979-1252 if further discussion on the merits of this application is necessary, or if questions regarding further examination are raised by the Examiner.

Date: 5/21/07

Respectfully submitted,

By:



Peter J. Cronk

Registration No: 32,021

Customer No. 08933
DUANE MORRIS LLP
30 South 17th Street
Philadelphia, PA 19103-4196
Direct Dial: 215-979-1252
Facsimile: 215-979-1020